

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

NATHAN M. BLAYLOCK,)	Cause No. 06-153-BLG-RFC-CSO
)	
Plaintiff,)	
)	
vs.)	FINDINGS AND RECOMMENDATION
)	OF U.S. MAGISTRATE JUDGE
GALLIGOS CORPORATION,)	
)	
Defendant.)	

On November 2, 2006, Plaintiff Nathan M. Blaylock moved to proceed in forma pauperis with this action for bad faith, medical malpractice, and neglect of an injured worker. Blaylock is proceeding pro se.

On December 14, 2006, United States Magistrate Judge Richard W. Anderson issued an order requiring that, on or before December 22, 2006, Blaylock state the total amount of damages he seeks in this action. That order explained that failure to timely respond would be deemed an admission that there is no basis for federal jurisdiction and would result in dismissal. Blaylock failed to respond to the Order.

Blaylock's Complaint alleges a tort against the Galligos Corporation. The only potential jurisdictional basis for bringing the action in federal court is federal diversity jurisdiction. Even assuming that Blaylock can show diversity of citizenship, there is no indication that his Complaint meets the jurisdictional threshold amount of damages. Blaylock has been given an opportunity to correct the defect, but he failed to respond. The action should be dismissed for lack of federal jurisdiction.

Based on the foregoing, the Court enters the following:

RECOMMENDATION

Blaylock's Complaint (Doc. 1) should be DISMISSED WITHOUT PREJUDICE for lack of jurisdiction. All pending motions should be DENIED as MOOT.

The Clerk of Court shall serve a copy of the Findings and Recommendation of the United States Magistrate Judge upon the Plaintiff. Plaintiff is advised that, pursuant to 28 U.S.C. § 636, any objections to these findings must be filed or delivered to prison authorities for mailing within ten (10) working days after the entry date reflected on the Notice of Electronic Filing, or objection is waived.

DATED this 14th day of February, 2007.

/s/ Carolyn S. Ostby
Carolyn S. Ostby
United States Magistrate Judge